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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,090	01/27/2004	Jori Hamalainen	5292-11	3198

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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
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NEW YORK, NY 10176

EXAMINER

LEE, BETTY E

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/766,090	Applicant(s) HAMALAINEN ET AL.	
	Examiner Betty Lee	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "may" is used in line 3 and does not positively recite the claim limitations following it.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Henry-Labordere (US 2003/0013464).

Regarding claim 1, Henry-Labordere teaches sending the message to be routed to a gateway (see paragraph 35 lines 1-2), performing an interrogation to subscriber registers through a signaling network to identify a network of a subscriber corresponding to the subscriber identifier included in the message received by the gateway (see

paragraph 36 lines 1-5), and sending the message from the gateway further to a message center of the identified network (see paragraph 38 lines 1-4).

Regarding claim 2, Henry-Labordere further teaches checking from a subscriber register corresponding to the message center whether or not the particular subscriber register is the subscriber register of the subscriber corresponding to the subscriber identifier (see paragraph 28 lines 1-7), and sending the message to be routed to the gateway if the checking indicates that the subscriber register corresponding to the message center is not the subscriber register of the subscriber corresponding to the subscriber identifier (see paragraph 28 lines 7-8).

Regarding claim 3, Henry-Labordere teaches message centers which provide subscribers with message services (see paragraph 28 lines 1-7), subscriber registers to maintain subscriber information (see paragraph 22 lines 1-7), and a signaling network connected to the subscriber register (see Fig. 3 "SS7 Network"), a signaling gateway which, in response to a received subscriber identifier, performs an interrogation to the subscriber registers through the signaling network to identify a network of a subscriber corresponding to said subscriber identifier (see paragraph 36 lines 1-5), and a gateway which relays messages between the message centers and which, to route the message to a correct message center, performs an interrogation to the signaling gateway in response to receiving a message including a receiver's subscriber identifier, and sends the message to a message center of the identified network (see paragraph 36 lines 1-5).

Regarding claim 4, Henry-Labordere further teaches a message center is configured to check from a corresponding subscriber register whether or not the particular subscriber register is the subscriber register of a subscriber corresponding to the subscriber identifier included in the message to be sent (see paragraph 28 lines 1-7), and send the message to the gateway to be relayed further if the checking indicates that the particular corresponding subscriber register is not the subscriber register of the subscriber corresponding to the subscriber identifier (see paragraph 28 lines 7-8).

Regarding claim 6, Henry-Labordere teaches a gateway is configured to receive a message which includes a subscriber identifier from a message center, route the received message to a correct message center by performing an interrogation to a signaling gateway to identify a network of a subscriber corresponding to the subscriber identifier (see paragraph 36 lines 1-5), and send the message to a message center of the identified network (see paragraph 37 lines 1-4).

Regarding claim 7, Henry-Labordere further teaches the gateway comprises a memory wherein operators of the message centers may, through a user interface, operator-specifically define contract rules concerning relaying of messages between the message centers of different operators (see paragraph 36 lines 1-5), and the gateway is configured to check from the memory whether or not it is allowed to send a message received from the center of a particular operator to a message center of another particular operator (see paragraph 36 lines 1-5), and send the message to the message center of the second operator only if the contract rules stored in the memory indicate that both the first and the second operator have allowed messages to be relayed

between the message centers of the first and the second operator (see paragraph 37 lines 1-4 and paragraph 38 lines 1-4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henry-Labordere (US 2003/0013464) in view of Chava et al. (US 7,154,901).

Regarding claim 5, Henry-Labordere teaches messages, message centers, and gateways (see paragraph 28 lines 1-8). Henry-Labordere teaches all the subject matter of the claimed invention with the exception of multimedia messages. However, Chava teaches a system used for SMS messages is also used for MMS (see col. 17 lines 15-18). Thus, it would have been obvious to one of ordinary skill in the art to use the system of Chava in the system of Henry-Labordere. The motivation for doing so is to make the system more flexible by supporting SMS and MMS messages.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Skog et al. (US 2002/0126708) is cited to show a system which is considered pertinent to the claimed invention.

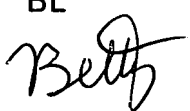
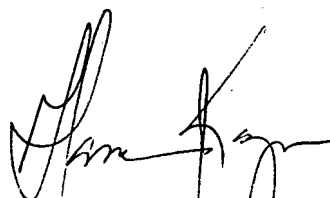

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betty Lee whose telephone number is (571) 270-1412. The examiner can normally be reached on Monday-Thursday 9-5 EST and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BL

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